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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/523,754	BELLAICHE ET AL.
	Examiner	Art Unit	
	Caleb R. Newton	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 June 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>61-90</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>61-90</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>04 June 2007</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>1</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Applicant is thanked for his terse and relevant arguments coupled with the

amendment. Applicant is also thanked for complying with the duty of candor and good

faith by providing pertinent references in the IDS. Examiner respectfully requests

applicant to refer to the prior art by the correct name, e.g "Lambert et al" not "Lambert."

Not doing so creates unnecessary ambiguity in the record.

Information Disclosure Statement

2.   As required by **M.P.E.P. 609(C)**, the applicant's submissions of the Information

Disclosure Statements dated 06/04/2007 is acknowledged by the examiner and the cited

references have been considered in the examination of the claims now pending. As

required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the

examiner is attached to the instant office action.

Response to Amendment

3.   This action is in response to a request for reconsideration filed on 06/04/2007.

4. .   Applicant's amendments to the specification and abstract are sufficient to

overcome this examiner's objections, and therefore, they have been withdrawn.

5.   Applicant's amendments to the drawings are sufficient to overcome this

examiner's objections, and therefore, they have been withdrawn.

6.   Applicant's amendments for claims 61-90 have provided the claims with the

necessary physical transformation required by the 35 USC 101.

Response to Arguments

7.   Applicant's arguments with respect to the rejection under 35 U.S.C. § 102 and 103

have been considered but are moot in view of the new ground(s) of rejection necessitated

by the IDS.

        Nonetheless, Examiner would respond that the prior art does disclose and teach

all the features contained within the application at hand. In particular, Lambert et al

provides the search engine optimization element of the invention at hand that Battilega et

al's consultant system lacks, as discussed below. This combination is not the result of

hindsight but rather the ordinary creativity associated with an artisan of ordinary skill at

the time of invention, as the Supreme Court states in KSR "a person of ordinary skill is

also a person of ordinary creativity, not an automaton" *KSR v. Teleflex*, 82 USPQ2d

1385, 1397 (April 30, 2007). This examiner reasons that one of ordinary skill in the art at

the time of invention of even the smallest amount of creativity would be well motivated

to combine a consultation structure with a webpage optimization structure, where

consultation was needed with respect to a web optimization. Further, in this vein, the

Supreme Court further cautions that where "a patent simply arranges old elements with

each performing the same function it would have been known to perform and yields not

more than one would expect from such an arrangement, the combination is obvious" *Id.*

at 1395. In light of this mandate, examiner must reject this case until such a point where

applicant distinguishes the invention to the necessary degree from the prior art as

required by the Supreme Court in the landmark and well-reasoned KSR decision.

In light of the foregoing arguments, the 103 rejections are hereby sustained.

Claim Objections

8.   **Claim 88** is objected to with regard to its purported limitation of *"data coded in*

the Java programming language" is nonsensical, since the amount of data stored within

the hard code of a program (e.g. Java) is *de minimis*. Programs typically rely on data

which is stored in some outside, predetermined data structure, such as memory, registers,

etc. For the sake of expediency of prosecution, examiner will interpret the data as having

been stored in a data structure operable with respect to the executed code.

Appropriate correction is required

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out
> and distinctly claiming the subject matter which the applicant regards as his
> invention.

10.   **Claim 77** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 77 recites the purported limitation "*distribution of said consultations by*

time zone by said client via said client interface." Nonetheless, it is unclear as to how the

consultations will be distributed by time zone by the client and there is no readily

apparent inference as to the meaning of this distribution to one of ordinary skill in the art

at the time of the invention.

Appropriate correction is required

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a
foreign country or in public use or on sale in this country, more than one year
prior to the date of application for patent in the United States.

12.   **Claims 61, 80 and 82-83** rejected under 35 U.S.C. 102(b) as being anticipated by

Battilega et al (EP 1 158 439).

Claim 61 rejected under 35 U.S.C. 102(b) as being anticipated by Battilega et al (EP 1 158 439). Battilega et al shows *granting a client managing a referenced website access to a database by a client interface* through Battilega et al's interface whereby the referenced consultant website such that the client/customer may utilize said consulting capabilities (figures 1-6, paragraphs [0029]-[0030] and [0018]-[0023]); *granting access to a consultant responsible for the referencing of a website to said database by a consultant interface* through Battilega et al's Project Collaboration environment whereby the consultant can access the common centralized database and confer with the client customer thereby (figure 2, paragraphs [0028] and [0029]); *and providing distinct data to said client or said consultant according to the interface used for accessing said database* via Battilega et al's plurality of distinct interfaces such that the client/customer may access the enter necessary data and access pertinent consultation data and further such that the consultant may refer to the common database while conferring with the client/customer (figures 1-6, paragraphs [0029]-[0030] and [0018]-[0023]).

For **claim 80**, note how the project collaboration interface provides through its project collaboration environment the functionality such that the client may monitor (draft reports, evaluations, et al) and confer with respect to the project and the predetermined plan for implementation thereof (figure 2, paragraphs [0028] and [0029]).

For **claim 82**, note how the project collaboration interface provides through its project collaboration environment the functionality such that the client and consultant

may access and update objects posted such as information, draft reports, evaluations, etc

so as to confer with respect to the project (figure 2, paragraphs [0028] and [0029]).

For **claim 83**, note how the project collaboration interface provides through its

project collaboration environment the functionality such that the client and consultant

may access various services and information by way of the collaboration tools, including

the central repository (figure 2, paragraphs [0028] and [0029]).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

14.   **Claims 62-73, 81 and 84-90** rejected under 35 U.S.C. 103(a) as being

unpatentable over Battilega et al (EP 1 158 439) and Lambert et al (US 2002/0038350).

Claims 74, 75 and 77-79 rejected under 35 U.S.C. 103(a) as being unpatentable over

Battilega et al (EP 1 158 439), Lambert et al (US 2002/0038350) and RFC 2109 (1997).

Claim 76 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al (EP

1 158 439), Lambert et al (US 2002/0038350), RFC 2109 (1997) and Cross Browser

Layers, Part One (2001) by Budi Kurniawan (hereafter Kurniawan).

Claim 62 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al. As discussed above, the limitations of claim 61 are taught by

Battilega et al. Nonetheless, Battilega et al does not teach where the *code further*

comprises a visibility module comprising instructions for analyzing the visibility

of a website in the Internet to provide a visibility data, wherein the visibility of

said website is the rate of appearance or classification of said website in a list of

results proposed by a search tool in response to a keyword as Lambert does. Lambert

shows where the *code further comprises a visibility module comprising instructions for*

analyzing the visibility of a website in the Internet to provide a visibility data, wherein the

visibility of said website is the rate of appearance or classification of said website in a

list of results proposed by a search tool in response to a keyword through its

visibility/reporting module for analyzing the visibility of a website in the Internet so as to

provide visibility data, wherein the visibility of said website is the rate of appearance or

classification of said website in a list of results proposed by a search tool in response to a

key word (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]).

This visibility module providing the platform of Battilega et al with the functionality to

determine whether the structure and marketing of the webpage are such that the webpage

is being returned in search tools.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 63 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 62 above, and further Lambert et al shows *where said visibility module further comprises instructions for obtaining the classification of said website in said list of results proposed by indicated search tools based on furnished keywords, a list of selected search tools and a particular URL* by way of the Lambert et al's approach to visibility whereby it comprises when terms are parsed by the web engine's spider, a variety of mediums (including multiple search engines) and the relevant URL (Abstract, paragraphs [0005]-[0013], [0105] and [0120] –[0127]). This visibility module providing the platform of Battilega et al with the functionality to determine whether the structure and marketing of the webpage are such that the webpage is being returned in search tools.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the

structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 64 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 62 above, and further Battilega at al shows where all data is *automatically* presented *in a dedicated data processing format to said client via said client interface or to said consultant via said consultant interface* by way of Battilega et al's standardized format such that the centralized data may be readily accessible by both the client and the consultant (paragraph [0030]). When you couple the standardization of all documents in Battilega et al with the visibility data of Lambert et al, the utility of Lambert et al's data is increased to the client, because he can now use it in a variety of circumstances.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 65 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 64 above, and further Battilega at al shows where *said code further comprises instructions for adding images and commentaries to said visibility data via said consultant interface and transmitting said images and commentaries to said client via said client interface* by way of Battilega et al's project collaboration service interfaces and the ability to generate reports which allows the consultant to provide image and commentary with respect to the data to be analyzed (paragraph [0026]-[0030]). When you couple this report sharing operability in Battilega et al with the visibility data of Lambert et al, the utility of Lambert et al's data is increased to the client, because it can now be shared with the client in a more dynamic and explanatory capacity.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 66 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 62 above, and further Lambert at al shows *said code further comprises instructions for modifying the presentation of said list of results*

via said client interface and selecting said keyword from one of the following: an exact

expression or parts of said expression by way of Lambert et al's technique of modifying

the keyphrases/expressions which the search engine uses to generate the list of results

with respect to the dynamically generate pages (paragraph [0137]-[0148] and [0030]).

This operability would provide Battilega et al with the ability to generate and view search

results with respect to key word strategies such that the consultation might occur with

regard to real data and not in the abstract.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert where there was a need to provide consultation with respect to the

structure and marketing of a webpage such that it would be returned more as a search

result. This functionality would enhance Battilega et al such that the consultant could

provide the client with concrete data relating to the structure and marketing of a webpage

and thereby advise the client of the implications thereof.

Claim 67 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al as applied to claim 62 above, and further Lambert at al shows *a*

ranking submodule for selecting data relative to the classification of a URL in regard to

a plurality of search engines by way of the monitoring of the website so as to provide

visibility data, wherein the visibility of said website is the rate of appearance (ranking) or

classification of said website in a list of results proposed by a search tool in response to a

key word (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]); *an*

evolution submodule for filtering raw data to provide data relating to the evolution of the

visibility of a website according to different periods of time so as to identify variations of

visibility by way of the visibility monitoring and media-mix analysis whereby the

visibility and a plurality of other factors are monitored over time (Figure 1, Abstract,

paragraphs [0105], [0120] –[0127] and [0003]-[0010]); *a competitors submodule for*

submitting, at said client's request, visibility studies relating to websites competing with

said client's website by way of the monitoring of the website so as to provide visibility

data, wherein the visibility of said website is the rate of appearance (ranking) or

classification of said website in a list of results proposed by a search tool in response to a

key word, that functionality being operable to scrutinize a whole host of websites,

including a competitors visibility (an intended use) (Figure 1, Abstract, paragraphs

[0105], [0120] –[0127] and [0003]-[0010]); *a guarantee submodule for filtering said raw*

data relating to said client in order to provide data relating to the nature of the service

requested by said client through media-mix analysis whereby the visibility and a plurality

of other factors are monitored over time (Figure 1, Abstract, paragraphs [0105], [0120] –

[0127] and [0003]-[0010]). Further, this examiner maintains the unchallenged notice with

respect to that the fact that it would have been obvious to one of ordinary skill in the art

to add a help module, as is provided with nearly every program. This additional

operability would provide Battilega et al to provide a consultation environment whereby

the structure and marketing of the website might be evaluated and improved with respect

to the several rubrics measured.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and a help function where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and that structure was such that it required skill and versatility to be used optimally. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 68 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 62 above, and further Lambert at al shows where *said code further comprises instructions for referencing a website by storing said website in a database of a search tool* by way of Lambert et al's use of spiders for referencing which inherently cache the indexed web page within the search engine's repository (abstract, paragraph [0011] and [0047]-[0049]).

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage

↑↓↕−↓↕↕

and thereby advise the client of the implications thereof.

Claim 69 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 68 above, and further Lambert at al shows where *said code further comprises instructions for reading HTML coded content of said website of said client, translating said HTML coded content into a XML document and storing said XML document in said database of said search tool* by way of Lambert et al's dynamic page generating whereby HTML coded content may likewise be generated in XML such that it may be indexed and stored in a search tool by a spider (paragraph [0137]-[0148]) and [0030]). This additional operability would provide Battilega et al t a consultation environment whereby the structure and marketing of the website might be directly implemented with respect to the page generation.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

     Claim 70 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al as applied to claim 69 above, and further Lambert et al shows

reading the content of said website, generating URL addresses for all pages of said

website, associating, for each URL address, a title, key words, a description, a

detailed description and a TAG to provide associated data through Lambert et al's use of

spiders, which inherently function by reading a website, generating URL addresses with

respect to that website and associating key words and other metadata with said URL on

the basis of tag information and the various aspects of the page (abstract, paragraphs

[0010]-[0012], [0014]-[0015] and [0137]-[0148]); *generating an XML document*

including said associated data through Lambert et al's dynamic page generation such that

said associated data is optimized to appear with respect to the spider (paragraph [0137]-

[0148]) and [0030]). *integrating an anti-spam filter to adapt said XML document to a*

plurality of search tools through Lambert et al's use of a spider which inherently uses a

filter, such that pages of little search value are not retrieved in a search (e.g. spam)

(abstract, paragraphs [0010]-[0012], [0014]-[0015] and [0137]-[0148]); *and*

directly submitting said associated data formatted in XML language to be

read by a spider of each of said plurality of search tools, thereby permitting

indexation of said associated data contained in said XML document to be

published in said lists of results by way of Lambert et al's dynamic page generating

whereby content may likewise be generated in XML such that it may be indexed and

stored in a search tool by a spider (paragraph [0137]-[0148]) and [0030]).

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 71 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 70 above, and further Lambert at al shows where *said code further comprises instructions for generating and inserting a TAG into said XML document to permit counting access to said website by said search tool* by way of Lambert et al's detection of the accesses of the webpage with respect to the spiders such that those visits might be analyzed in the media-mix analysis, etc (abstract, paragraph [0014] and [0120] –[0127]). This additional operability would provide Battilega et al a consultation environment whereby the structure and marketing of the website might be directly implemented with respect to the page generation.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search

result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 72 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 71 above, and further Lambert at al shows where *said code further comprises instruction for displaying the number of accesses detected by said TAG in real time by said client interface, and consulting an index of principal terms employed in accessing said website* by way of Lambert et al's detection of the accesses of the webpage with respect to the spiders such that those visits might be analyzed in the media-mix analysis, etc (abstract, paragraph [0014] and [0120] –[0127]). This additional operability would provide Battilega et al a consultation environment wherein an additional report (which could be from real time data) with respect to the tag data could be viewed through by the client through the consultation interface.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could

provide the client with concrete data relating to the structure and marketing of a webpage

and thereby advise the client of the implications thereof.

Claim 73 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al as applied to claim 72 above, and further Lambert at al shows where

said code further comprises instructions for selecting a period of time to which said lists

of results relate in terms of access by way of Lambert et al's detection of the accesses of

the webpage with respect to the spiders such that those visits might be analyzed in the

media-mix analysis, etc such that the access with respect to the page might be analyzed.

and measured (abstract, paragraph [0014] and [0120] –[0127]). This additional

operability would provide Battilega et al a consultation environment wherein an

additional report (which could be from real time data) with respect to the tag data could

be viewed through by the client through the consultation interface.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert where there was a need to provide consultation with respect to the

structure and marketing of a webpage such that it would be returned more as a search

result and such that said consultation could be directly implemented with respect to the

webpage. This functionality would enhance Battilega et al such that the consultant could

provide the client with concrete data relating to the structure and marketing of a webpage

and thereby advise the client of the implications thereof.

Claim 74 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al as applied to claim 73 above, and in further view of RFC 2109.

Although Battilega et al does not show where *said code further comprises instructions*

for accessing a set of analyses relating to consultations or visits to said website, wherein

said set of analyses include at least one of the following: number of visits in one day, the

number of new visitors, and the duration of the visits, Lambert et al does show the

tracking of the *number of visits in one day* and *the number of new visitors* by way of

Lambert et al's detection of the accesses of the webpage over a given interval (including

one day) with respect to the spiders or humans such that those visits might be analyzed in

the media-mix analysis, etc such that the access with respect to the page might be

analyzed and measured (abstract, paragraph [0014] and [0120] –[0127]). Further, RFC

2109 shows where *durations of visits* are measured by way of the concept of viewing the

user's time on the website as a stateful session (section 3). This additional operability

would provide Battilega et al a consultation environment wherein an additional report

with respect to visitor information could be rendered for the client.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert and the cookies of RFC 2109 where there was a need to provide

consultation with respect to the structure and marketing of a webpage such that it would

be returned more as a search result and such that said consultation could be directly

implemented with respect to the webpage. This functionality would enhance Battilega et

al such that the consultant could provide the client with concrete data relating to the

structure and marketing of a webpage and thereby advise the client of the implications

thereof.

Claim 75 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al, Lambert et al and RFC 2109 as applied to claim 74 above, and further Lambert et al

shows where *said code further comprises instructions for consulting a list of the search*

engines involved, the number of visits generated by each search engine, and the list of the

key words considered by said client via said client interface by way of the analysis and

visibility element of Lambert et al wherein the source of the visits and the keywords

associated with search engine are evaluated such that the effectiveness of the structure

and marketing of the page might be appraised (abstract, paragraph [0120] –[0127] and

[0003]-[0014]). This additional operability would provide Battilega et al a consultation

environment wherein an additional report with respect to visitor information could be

rendered for the client.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert and the cookies of RFC 2109 where there was a need to provide

consultation with respect to the structure and marketing of a webpage such that it would

be returned more as a search result and such that said consultation could be directly

implemented with respect to the webpage. This functionality would enhance Battilega et

al such that the consultant could provide the client with concrete data relating to the

structure and marketing of a webpage and thereby advise the client of the implications

thereof.

Claim 76 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al, Lambert et al and RFC 2109 as applied to claim 74 above, and in further light of

Kurniawan. Lambert et al shows *accessing pages consulted by Internet users* by way of

its technique whereby said pages are modified and generated such they are optimized for

search retrieval and viewing by the user (abstract, [0003]-[0014]). Further, Kurniawan

shows the operability of checking *browser or navigation type used by Internet users on a*

website, said information being operable to being retrieved and displayed (pages 1 and 2).

This additional operability would provide Battilega et al a consultation environment

wherein the consultation with respect to the client might access the webpage under

consideration and see what web browsers it is compatible with.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert, the cookies of RFC 2109 and the browser detection of Kurniawan where

there was a need to provide consultation with respect to the structure and marketing of a

webpage such that it would be returned more as a search result and such that said

consultation could be directly implemented with respect to the webpage. This

functionality would enhance Battilega et al such that the consultant could provide the

client with concrete data relating to the structure and marketing of a webpage and thereby

advise the client of the implications thereof.

Claim 77 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al, Lambert et al and RFC 2109 as applied to claim 74 above, and further Lambert et al shows where *said code further comprises instructions for analyzing languages used in said consultations of said website* by way of the analysis of Lambert et al wherein the keywords/language associated with search engine are evaluated such that the effectiveness of the structure and marketing of the page might be appraised (abstract, paragraph [0120] –[0127] and [0003]-[0014]). This additional operability would provide Battilega et al a consultation environment wherein an additional report with respect to visitor information could be rendered for the client.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and the cookies of RFC 2109 where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 78 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al, Lambert et al and RFC 2109 as applied to claim 74 above, and in further light of

Kurniawan. Kurniawan shows *said code further comprises instructions for consulting*

technical information relating to browsers or navigators used by Internet users to visit

said website by said client via said client interface, thereby enabling said client to

improve or adapt said website to said browsers or navigators through Kurniawan's

detection of the browser of the user such that the particular mechanics with relation to

that browser can be utilized (page 1 and 2). This additional operability would provide

Battilega et al a consultation environment wherein the consultation with respect to the

client might access the webpage under consideration and see what web browsers it is

compatible with.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert, the cookies of RFC 2109 and the browser detection of Kurniawan where

there was a need to provide consultation with respect to the structure and marketing of a

webpage such that it would be returned more as a search result and such that said

consultation could be directly implemented with respect to the webpage. This

functionality would enhance Battilega et al such that the consultant could provide the

client with concrete data relating to the structure and marketing of a webpage and thereby

advise the client of the implications thereof.

Claim 79 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al as applied to claim 74 above, and in further view of RFC 2109. RFC

2109 shows where *said code further comprises instructions for identifying an Internet*

user accessing said website in real time including at least one of the following identifying

information: a host from which said Internet user is accessing said website, a page

viewed by said Internet user, duration of said Internet user's access to said website, and

items or products accessed by said Internet user by way of the concept of viewing the

user's time on the website as a stateful session (section 3). This additional operability

would provide Battilega et al a consultation environment wherein an additional report

with respect to visitor information could be rendered for the client.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert and the cookies of RFC 2109 where there was a need to provide

consultation with respect to the structure and marketing of a webpage such that it would

be returned more as a search result and such that said consultation could be directly

implemented with respect to the webpage. This functionality would enhance Battilega et

al such that the consultant could provide the client with concrete data relating to the

structure and marketing of a webpage and thereby advise the client of the implications

thereof.

Claim 81 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al. As discussed above, the limitations of claim 80 are taught by

Battilega et al. Nonetheless, Battilega et al does not teach where *said code further*

comprises instructions for offering at least one of the following services to said

client via said client interface:consultation of information concerning said client's

website, and consultation of referencing and positioning information relative to a competitor's website; consultation of strategic orientations decided jointly by said client and said consultant; consultation of title and description of said client's website made by said consultant, appearing in search tools or engines and pertinent keywords by which said client's website can be referenced; transmission of pages optimized for said client's website by said consultant to said client; and submission to said client's website by each search tool or engine via submission windows as Lambert does. Lambert shows where *said code further comprises instructions for offering at least one of the following services to said client via said client interface: consultation of information concerning said client's website, and consultation of referencing and positioning information relative to a competitor's website; consultation of strategic orientations decided jointly by said client and said consultant; consultation of title and description of said client's website made by said consultant, appearing in search tools or engines and pertinent keywords by which said client's website can be referenced; transmission of pages optimized for said client's website by said consultant to said client; and submission to said client's website by each search tool or engine via submission windows* through consultation provided by the visibility/reporting module for analyzing the visibility of a website in the internet so as to provide visibility data, wherein the visibility of said website is the rate of appearance or classification of said website in a list of results proposed by a search tool in response to a key word (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]). This visibility module providing the platform of Battilega et al with the functionality to determine whether the structure and marketing of the webpage are such that the webpage is being returned in search tools.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 84 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al. As discussed above, the limitations of claim 82 are taught by Battilega et al. Nonetheless, Battilega et al does not teach where *said code further comprises instructions for controlling access to a plurality of websites managed by an operator by said consultant based on same restrictions and terms imposed on said operator in accessing said plurality of websites* as Lambert does. Lambert shows where *said code further comprises instructions for controlling access to a plurality of websites managed by an operator by said consultant based on same restrictions and terms imposed on said operator in accessing said plurality of website* through the redirection process such that there are restrictions with respect to users and spiders such that the appropriate website are presented for the current visitor ([0151]-[0175] and [0003]-[0010]). This control over access providing the platform of Battilega et al with the functionality for the consultant and client to directly implement stratagems with respect to access to the various relevant websites.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 86 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 81 above, and further Lambert shows where *said code further comprises instructions for generating, modifying and eliminating users of said software platform and records kept by said consultant by an administrator via an administrator interface* through the redirection process such that there are restrictions with respect to users and spiders such that the appropriate website are presented for the current visitor; further, the administrator can create user/passwords such that users can be specific targeted and allowed ([0151]-[0175] and [0003]-[0010]). This control over access providing the platform of Battilega et al with the functionality for the consultant and client to directly implement stratagems with respect to access to the various relevant websites.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert where there was a need to provide consultation with respect to the

structure and marketing of a webpage such that it would be returned more as a search

result. This functionality would enhance Battilega et al such that the consultant could

provide the client with concrete data relating to the structure and marketing of a webpage

and thereby advise the client of the implications thereof.

Claim 87 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al as applied to claim 81 above, and further Lambert shows where *said*

code further comprises instructions for providing one or more commentaries

representing said consultant's reflection based on said visibility data, said one or more

commentaries being determined by comparing said visibility data with visibility data

stored in said database and associated with a commentary through consultation provided

by the media-mix analysis and the visibility/reporting module for analyzing the visibility

of a website in the internet so as to provide visibility data, wherein the visibility of said

website is the rate of appearance or classification of said website in a list of results

proposed by a search tool in response to a key word (Figure 1, Abstract, paragraphs

[0105], [0120] –[0127] and [0003]-[0010]). This visibility module providing the platform

of Battilega et al with the functionality to determine whether the structure and marketing

of the webpage are such that the webpage is being returned in search tools.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert where there was a need to provide consultation with respect to the

structure and marketing of a webpage such that it would be returned more as a search

result. This functionality would enhance Battilega et al such that the consultant could

provide the client with concrete data relating to the structure and marketing of a webpage

and thereby advise the client of the implications thereof.

Claim 88 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et

al and Lambert et al as applied to claim 81 above, and further Lambert shows where *said*

code further comprises instructions for generating pages of said software platform

accessible to said client through Lambert et al's technique such that the pages may be

generated in any plurality of formats for access by the client and visitors (Figure 1,

Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]). This page generation

operability provides Battilega et al with functionality such that the suggestions and

manipulations of the consultant might directly be implemented.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert where there was a need to provide consultation with respect to the

structure and marketing of a webpage such that it would be returned more as a search

result. This functionality would enhance Battilega et al such that the consultant could

provide the client with concrete data relating to the structure and marketing of a webpage

and thereby advise the client of the implications thereof.

Claim 89 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 81 above, and further in light of the unchallenged notice with respect to the fact that one of ordinary skill in the art at the time of invention would obviously know to employ the well know features of a print function, a help function with technical terms and a downloading function. These function would allow Battilega to provide the client with functionality such the ease of use of the software and its robust nature is increased.

Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and a print, help and download function where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and that structure was such that it required skill and versatility to be used optimally. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 90 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as applied to claim 81 above, and further Lambert shows *said code further comprises instructions for restricting access to only those services for which said client has subscribed with said consultant* through the redirection process such that there are restrictions with respect to clients, users and spiders such that the appropriate website are presented for the current visitor; further, the administrator can create user/passwords

such that users can be specific targeted and allowed ([0151]-[0175] and [0003]-[0010]).

This control over access providing the platform of Battilega et al with the functionality

for the consultant and client to directly implement stratagems with respect to access to the

various relevant websites; further it would allow the restriction of access to certain pages

and consultations which the client is not subscribed to.

Therefore, it would have been obvious to one of ordinary skill in the art to

augment the website consultant system of Battilega et al with the search engine optimizer

of the Lambert where there was a need to provide subscription based consultation with

respect to the structure and marketing of a webpage such that it would be returned more

as a search result. This functionality would enhance Battilega et al such that the

consultant could provide the client with concrete data relating to the structure and

marketing of a webpage and thereby advise the client of the implications thereof—this

consultation being accessible at a price.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR

1.97(c) with the fee set forth in 37 CFR 1.17(p) on 06/04/2007 prompted the new

ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS**

MADE FINAL. See MPEP § 609.04(b). Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

When responding to this office action, Applicant is advised to clearly point out

the patentable novelty which he or she thinks the claims present, in view of the state of

the art disclosed by the references cited or the objections made. He or she must also show

how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Caleb R. Newton whose telephone number is 1-571-270-

1758. The examiner can normally be reached on M-F, 7:30-5:00, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christian Chace can be reached on (571)272-4190. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 31, 2007   Caleb Newton, JD
                                                       Patent Examiner

/HPham/

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